

IN THE UNITED STATES DISTRICT  
COURT EASTERN DISTRICT OF  
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by	)	
Personal Representative Mildred Haynes,	)	No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her	)	
own behalf,	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
CITY OF MILWAUKEE, WISCONSIN	)	
and DOMINIQUE HEAGGAN-BROWN,	)	
	)	
Defendants.	)	

## EXHIBIT 19

MPD Use of Force Committee Meeting 5 Days Before Shooting

David B. Owens  
Danielle Hamilton  
LOEVY & LOEVY  
311 N. Aberdeen St, Third FL  
Chicago, IL 60607  
(312) 243-5900



# MILWAUKEE POLICE DEPARTMENT

## MEMORANDUM

**Date:** Thursday, August 11, 2016

**To:** Assistant Chief Carianne Yerkes  
Risk Management Bureau

**From:** Inspector Terrence Gordon  
Risk Management Bureau

**Re:** Use of Force Committee Meeting—August 8, 2016

**Copy**



Ma'am,

On August 8, 2016, the Use of Force Committee met to follow-up on the second quarter meetings, which were held on June 6 and July 19, 2016<sup>1</sup>. The purpose of this meeting was to discuss uses of force by outliers. This did not occur at the June meeting because the majority of committee members were newly appointed. On July 19, Analyst Susan Gade provided information on use of force outliers for the first half of 2016, after which committee members were assigned AIM reports to review and report back to the group.

Present for the meeting were:

Inspector Terrence Gordon  
Captain James Shepard  
Captain Andra Williams  
Captain Nicole Davila

Lieutenant Paul Lough  
Sergeant Michelle Pagan  
Sergeant Allen Groszcyk  
Sergeant Douglas Wiorek (guest)

Analyst Gade conducted an analysis of all uses of force and identified 13 outliers, with the number of instances ranging from five to nine. The officer who used force most often was P.O. Dominique Heaggan-Brown (District 7/early), who is an ECD operator. P.O. Heaggan-Brown deployed the ECD in eight of nine incidents. District and division commanders were notified on July 15, 2016, of outliers at their work locations and provided with documents to complete after counseling sessions.

In reviewing uses of force by outliers, the committee identified areas for follow-up. These items will result in additions to Police Academy Training, the issuance of training bulletins, and one SOP change.

<sup>1</sup> Correction to the department memorandum dated 6-25-16, which stated that the third quarter meeting would be held on July 19, 2016. The July 19th meeting was instead follow-up to the second quarter meeting.

MPD DHB017415

Areas for follow-up:

- The committee noticed a trend, which has also been identified by the field inspectors, of officers immediately approaching vehicles suspected of containing armed subjects and engaging the occupants at close proximity. In one use of force incident, an officer reached into a running vehicle from a rear door to engage a driver who had already crashed into squad cars and was still attempting to drive away.
- In at least three incidents, including the one above, officers with weapons drawn in response to legitimately perceived threats engaged resistive subjects using their firearms as impact weapons. While this would be an appropriate tactic in deadly force situations or to prevent a subject from disarming an officer with a long gun, the potential for accidental discharges makes it sub-optimal in other instances.
- AIM narratives do not always incorporate reasonable suspicion for Terry stops in which officers eventually use force to gain compliance or apprehend fleeing subjects. Reviews to determine if uses of force are appropriate must take approach considerations into account.
- Officers in limited instances are deploying the ECD against subjects who are fleeing on foot or who are passively or verbally resisting.

**Use and Viewing of Video**

With the issuance of body cameras, in addition to squad cameras and third party recordings, viewing of video has become a major consideration for the committee. Sgt. Doug Wiorek from the I.T. Division attended the meeting to discuss the creation of a platform in Evidence.com for the committee to review videos related to outliers' uses of force. To simplify viewing videos for administrative and review processes, the committee suggests an amendment to SOP 460 – Use of Force, requiring supervisors to identify the video units and the time stamp information in the AIM report for uses of force captured on video. At the third quarter meeting and during future meetings, the committee will review a random sample of uses of force captured on video in addition to videos containing outliers.

Respectfully submitted,

Terrence T. Gordon, 009226  
Inspector of Police

Distribution:

- ☐ Chief Edward Flynn
- ☐ Assistant Chief James Harpole
- ☐ Assistant Chief William Jessup
- ☐ Inspectors of Police

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